

23-25-1. Short title.

This chapter shall be known as the "Wildlife Violator Compact."

Enacted by Chapter 260, 1992 General Session

23-25-2. Adoption and text of compact.

(1) The participating states find that:

(a) Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors.

(b) The protection of the wildlife resources of a state is materially affected by the degree of compliance with state statutes, laws, regulations, ordinances, and administrative rules relating to the management of the resources.

(c) The preservation, protection, management, and restoration of wildlife contributes immeasurably to the aesthetic, recreational, and economic aspects of the natural resources.

(d) Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management, and restoration laws, ordinances, and administrative rules and regulations of the participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap, or possess wildlife.

(e) Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property.

(f) The mobility of many wildlife law violators necessitates the maintenance of channels of communication among the various states.

(g) Usually, a person who is cited for a wildlife violation in a state other than his home state:

(i) is required to post collateral or bond to secure appearance for a trial at a later date; or

(ii) is taken directly into custody until collateral or bond is posted; or

(iii) is taken directly to court for an immediate appearance.

(h) The purpose of the enforcement practices set forth in Subsection (g) of this article is to ensure compliance with the terms of a wildlife citation by the cited person who, if permitted to continue on his way after receiving the citation, could return to his home state and disregard his duty under the terms of the citation.

(i) In most instances, a person receiving a wildlife citation in his home state is permitted to accept the citation from the officer at the scene of the violation and immediately continue on his way after agreeing or being instructed to comply with the terms of the citation.

(j) The practices described in Subsection (g) of this article cause unnecessary inconvenience and, at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial, or pay a fine, and is compelled to remain in custody until some alternative arrangement is made.

(k) The enforcement practices described in Subsection (g) of this article consume an undue amount of enforcement time.

(2) It is the policy of the participating states to:

(a) promote compliance with the statutes, laws, ordinances, regulations, and

administrative rules relating to the management of wildlife resources in their respective states;

(b) recognize the suspension of wildlife license privileges of a person whose license privileges have been suspended by a participating state and treat the suspension as if it had occurred in their state;

(c) allow a violator, except as provided in Subsection 23-25-4(2), to accept a wildlife citation and, without delay, proceed on his way, whether or not the violator is a resident of the state in which the citation was issued, provided that the violator's home state is a party to this compact;

(d) report to the appropriate participating state, as provided in the compact manual, a conviction recorded against a person whose home state was not the issuing state;

(e) allow the home state to recognize and treat convictions recorded against its residents, which convictions occurred in a participating state, as though they had occurred in the home state;

(f) extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one participating state to a resident of another state;

(g) maximize effective use of law enforcement personnel and information; and

(h) assist court systems in the efficient disposition of wildlife violations.

Enacted by Chapter 260, 1992 General Session

23-25-3. Definitions.

As used in this compact:

(1) "Citation" means a summons, complaint, summons and complaint, ticket, penalty assessment, or other official document issued to a person by a wildlife officer or other peace officer for a wildlife violation which contains an order requiring the person to respond.

(2) "Collateral" means cash or other security deposited to secure an appearance for trial in connection with the issuance by a wildlife officer or other peace officer of a citation for a wildlife violation.

(3) "Compliance" with respect to a citation means the act of answering a citation through an appearance in a court or tribunal, or through the payment of fines, costs, and surcharges.

(4) "Conviction" means a conviction, including any court conviction, for an offense related to the preservation, protection, management, or restoration of wildlife which is prohibited by state statute, law, regulation, ordinance, or administrative rule. This conviction shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed the offense, the payment of a penalty assessment, a plea of nolo contendere and the imposition of a deferred or suspended sentence by the court.

(5) "Court" means a court of law, including magistrate's court and the justice of the peace court.

(6) "Home state" means the state of primary residence of a person.

(7) "Issuing state" means the participating state which issues a wildlife citation to

the violator.

(8) "License" means a license, permit, or other public document which conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by statute, law, regulation, ordinance, or administrative rule of a participating state.

(9) "Licensing authority" means the department or division within each participating state which is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.

(10) "Participating state" means any state which enacts legislation to become a member of this wildlife compact.

(11) "Personal recognizance" means an agreement by a person made at the time of issuance of the wildlife citation that the person will comply with the terms of the citation.

(12) "State" means a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the provinces of Canada, and the other countries.

(13) "Suspension" means a revocation, denial, or withdrawal of any or all license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by any license.

(14) "Wildlife" means species of animals including, but not limited to, mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative rule in a participating state. Species included in the definition of "wildlife" vary from state to state and determination of whether a species is "wildlife" for the purpose of this compact shall be based on local law.

(15) "Wildlife law" means any statute, law, regulation, ordinance, or administrative rule developed and enacted for the management and use of wildlife resources.

(16) "Wildlife officer" means an individual authorized by a participating state to issue a citation for a wildlife violation.

(17) "Wildlife violation" means a cited violation of a statute, law, regulation, ordinance, or administrative rule developed and enacted for the management and use of wildlife resources.

Enacted by Chapter 260, 1992 General Session

23-25-4. Procedures for issuing state.

(1) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to a person whose primary residence is in a participating state in the same manner as though the person were a resident of the issuing state and shall not require the person to post collateral to secure appearance, subject to the exceptions under Subsection (2), if the officer receives the recognizance of the person that he will comply with the terms of the citation.

(2) Personal recognizance is acceptable:

(a) if not prohibited by local law or the compact manual; and

(b) if the violator provides adequate proof of identification to the wildlife officer.

(3) (a) Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the participating state in which the wildlife citation was issued.

(b) The report shall be made in accordance with procedures specified by the issuing state and shall contain information as specified in the compact manual as minimum requirements for effective processing by the home state.

(4) Upon receipt of the report of a conviction or noncompliance pursuant to Subsection (3)(b), the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in the form and with the content as prescribed in the compact manual.

Enacted by Chapter 260, 1992 General Session

23-25-5. Procedure for home state.

(1) (a) Upon receipt of a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the term of a citation, the licensing authority of the home state shall:

- (i) notify the violator;
- (ii) initiate a suspension action in accordance with the home state's suspension procedures; and
- (iii) suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority.

(b) Due process safeguards will be accorded.

(2) Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall enter the conviction as though it occurred in the home state for the purposes of the suspension of license privileges.

(3) The licensing authority of the home state shall:

- (a) maintain a record of actions taken; and
- (b) make reports to issuing states as provided in the compact manual.

Enacted by Chapter 260, 1992 General Session

23-25-6. Reciprocal recognition of suspension.

(1) All participating states shall recognize the suspension of license privileges of a person by the participating state as though the violation resulting in the suspension:

- (a) had occurred in their state; and
- (b) could have been the basis of the suspension of license privileges in their state.

(2) Each participating state shall communicate suspension information to other participating states in the form and with the content as contained in the compact manual.

Enacted by Chapter 260, 1992 General Session

23-25-7. Applicability of other laws.

Except as expressly required by provisions of this compact, nothing herein shall be construed to affect the right of any participating state to apply any of its laws relating to license privileges to a person or circumstance or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning wildlife law enforcement.

Enacted by Chapter 260, 1992 General Session

23-25-8. Compact administrator procedures.

- (1) (a) A Board of Compact Administrators is established to:
 - (i) administer the provisions of this compact; and
 - (ii) serve as a governing body for the resolution of all matters relating to the operation of this compact.
- (b) The board shall be composed of one representative from each of the participating states to be known as the compact administrator.
- (c) The compact administrator shall be appointed by the head of the licensing authority of each participating state and shall serve and be subject to removal in accordance with the laws of the state he represents.
- (d) A compact administrator may provide for the discharge of his duties and the performance of his function as a board member by an alternate.
- (e) An alternate shall not be entitled to serve unless written notification of his identity has been given to the board.
- (2) (a) Each member of the board of compact administrators shall be entitled to one vote.
- (b) An action of the board shall not be binding unless taken at a meeting at which a majority of the total number of the board's votes are cast in favor thereof.
- (c) Action by the board shall be only at a meeting at which a majority of the participating states are represented.
- (3) The board shall elect annually from its membership a chairman and vice-chairman.
- (4) The board shall adopt bylaws not inconsistent with the provisions of this compact or the laws of a participating state for the conduct of its business and shall have the power to amend and rescind its bylaws.
- (5) The board may accept for any of its purposes and functions under this compact any and all donations and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any governmental agency, and may receive, utilize, and dispose of the donations and grants.
- (6) The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, individual, firm, or corporation, or any private nonprofit organization or institution.
- (7) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted to board action shall be contained in a compact manual.

Enacted by Chapter 260, 1992 General Session

23-25-9. Entry into compact and withdrawal.

(1) This compact shall become effective at the time it is adopted in substantially similar form by two or more states.

(2) (a) Entry into the compact shall be made by resolution of ratification by the authorized officials of the applying state and submitted to the chairman of the board.

(b) The resolution shall substantially be in the form and content as provided in the compact manual and shall include the following:

(i) a citation of the authority from which the state is empowered to become a party to this compact;

(ii) an agreement of compliance with the terms and provisions of this compact; and

(iii) an agreement that compact entry is with all states participating in the compact and with all additional states legally becoming a party to the compact.

(c) The effective date of entry shall be specified by the applying state but shall not be less than 60 days after notice has been given:

(i) by the chairman of the board of the compact administrators; or

(ii) by the secretary of the board to each participating state that the resolution from the applying state has been received.

(3) A participating state may withdraw from participation in this compact by official written notice to each participating state, but withdrawal shall not become effective until 90 days after the notice of withdrawal is given. No withdrawal of any state shall affect the validity of this compact as to the remaining participating states.

Enacted by Chapter 260, 1992 General Session

23-25-10. Amendments to the compact.

(1) This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the Board of Compact Administrators and shall be initiated by one or more participating states.

(2) Adoption of an amendment shall require endorsement by all participating states and shall become effective 30 days after the date of the last endorsement.

(3) Failure of a participating state to respond to the compact chairman within 120 days after receipt of a proposed amendment shall constitute endorsement thereof.

Amended by Chapter 4, 1993 General Session

23-25-11. Construction and severability.

(1) This compact shall be liberally construed so as to effectuate the purposes stated herein.

(2) The provisions of this compact shall be severable and if a phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of a participating state or of the United States, or the applicability thereof to a government, agency, individual, or circumstance is held invalid, the validity of the remainder of this compact shall not be affected thereby.

(3) If this compact is held contrary to the constitution of a participating state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the participating state affected regarding all severable matters.

Enacted by Chapter 260, 1992 General Session

23-25-12. Title.

This compact shall be known as the "Wildlife Violator Compact."

Enacted by Chapter 260, 1992 General Session

23-25-13. Licensing authority -- Administrator -- Expenses.

(1) The Division of Wildlife Resources is designated as the licensing authority in this state for the purpose of the compact.

(2) The director of the Division of Wildlife Resources shall furnish to the appropriate authorities of the participating states any information or documents reasonably necessary to facilitate the administration of the compact.

(3) The compact administrator provided for in Section 23-25-8, "Wildlife Violator Compact," shall not be entitled to any additional compensation for his service as the administrator but shall be entitled to expenses incurred in connection with his duties and responsibilities as administrator in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.

Enacted by Chapter 260, 1992 General Session